

Reply Under 37 C.F.R. § 1.116 – Expedited Procedure
Serial No.: 10/078,196
Examiner: Oanh L. Duong

REMARKS

Claims 1-20 remain in this application. No claims have been amended by the present action.

In the Claims

Claims 1-5, 7-10, and 13-20 stand rejected under 35 USC 103(a) as being unpatentable over *Gentry et al.* (US 6,799,210 B1) in view of *Berg* (US 6,674,713 B1); Claim 6 stands rejected under 35 USC 103 as being unpatentable over *Gentry* in view of *Berg* and further in view of *Lindhorst-Ko* (US 6,725,401 B1); and Claims 11-12 stand rejected under 35 USC 103 as being unpatentable over *Gentry* in view of Admitted Prior Art. Applicant respectfully traverses.

The previously submitted independent Claim 1 claims, *wherein the first control device comprises a first softswitch and the second control device comprises a second softswitch and each softswitch provides a status signal indicating a current operational status of one of operable, partially operable, and wholly inoperable, said determiner for allocating session control operations for performing session control of the selected ones of the media gateways to the first and second softswitches responsive to the provided status signal.* Previously submitted independent Claim 15 includes similar language.

The Office Action states that *Gentry* does not explicitly teach *the first control device comprises a first softswitch and the second control device comprises a second softswitch and each softswitch provides a status signal indicating a current operational status of one of operable, partially operable, and wholly inoperable*, and relies on the teaching of *Berg*, further stating that *Berg* teaches controllers designated as **Active and Standby**. Applicant respectfully submits that the additional teaching of *Berg* is not sufficient to raise a prima facie case of obviousness, as all elements of Claims 1 and 15 are not taught by the combination of *Gentry* and *Berg*. More specifically, Claims 1 and Claim 15 claim status indication of three status states for the softswitches, **operable, partially operable, and wholly inoperable**, whereas *Berg* only teaches two status states, **Active and Standby** for gateway controllers. For at least this reason, Applicant believes no cited art, or combination thereof, teaches each and every element of independent Claims 1 and 15.

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For at least this reason, Applicant believes Claims 1 and 15 are submitted to be in condition for allowance.

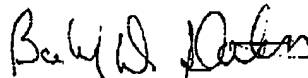
Claims 2-14; and 16-20 depends from and further limits, in a patentable sense, independent Claims 1 and 15, respectively, and hence are also submitted to be in condition for allowance

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Bobby Slaton at (972) 519-2295.

Respectfully submitted,

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